

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAMEN D. RABB,

Plaintiff,

v.

CABRERA, *et al.*,

Defendants.

No. 1:23-cv-01014-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO GRANT
DEFENDANT'S MOTION FOR
TERMINATING SANCTIONS

Docs. 55, 56

Plaintiff Damen D. Rabb is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff's first amended complaint against defendant Cabrera for failure to protect in violation of the Eighth Amendment. Docs. 22, 23. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 5, 2025, defendant Cabrera filed a motion for terminating sanctions due to plaintiff's failure to attend and cooperate in his properly noticed deposition on May 5, 2025, and his refusal to comply with the Court's March 25, 2025 order compelling his deposition testimony. Doc. 55; *see also* Doc. 47 at 3. Plaintiff did not file a response or otherwise oppose defendant's motion. Doc. 56 at 1.

On October 8, 2025, the assigned magistrate judge issued findings and recommendations to grant defendant's motion for terminating sanctions. Doc. 56. Specifically, the magistrate

1 judge found that plaintiff acted willfully and in bad faith to avoid being deposed and that the
2 relevant factors for termination as a sanction weighed in favor of granting defendant's motion.
3 *Id.* at 7–10. Those findings and recommendations were served on plaintiff and contained notice
4 that any objections thereto were to be filed within 14 days after service. *Id.* at 10. Plaintiff has
5 not filed objections, and the time in which to do so has expired. *See* docket.

6 In accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of
7 this case. Having carefully reviewed the file, the Court finds the findings and recommendations
8 to be supported by the record and by proper analysis.

9 Accordingly:

- 10 1. The findings and recommendations issued on October 8, 2025, Doc. 56, are adopted in
11 full;
12 2. Defendant's motion for terminating sanctions, Doc. 55, is granted and this action is
13 dismissed with prejudice; and
14 3. The Clerk of the Court is directed to close this case.

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17 IT IS SO ORDERED.

18 Dated: November 9, 2025


UNITED STATES DISTRICT JUDGE